

STATE OF TENNESSEE

Office of the Attorney General



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March 24, 2004

Honorable Deborah Taylor Tate
Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

**RE: IN RE: APPLICATION OF COUNCE NATURAL GAS CORPORATION TO
INCREASE RATES
Docket No. 04-00037**

Dear Chairman Tate:

Enclosed is an original and thirteen copies of the Consumer Advocate and Protection Division of the Office of the Attorney General's Petition to Intervene. Kindly file the attached in this docket. By copy of this letter, we are serving all parties of record. If you have any questions, please feel free to contact me at (615) 532-3382. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Shilina B. Chatterjee".

Shilina B. Chatterjee
Assistant Attorney General
(615) 532-3382

Enclosures

cc: All Parties of Record

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**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:)	
)	
APPLICATION OF COUNCE)	
NATURAL GAS CORPORATION TO)	DOCKET NO. 04-00037
INCREASE RATES)	

PETITION TO INTERVENE

Comes now Paul G. Summers, the Attorney General for the State of Tennessee, through the Consumer Advocate and Protection Division of the Office of Attorney General (hereinafter "Consumer Advocate"), pursuant to Tenn. Code Ann. § 65-4-118(c)(2)(A), and petitions the Tennessee Regulatory Authority (hereinafter "TRA") to convene a rate hearing, and to grant the Consumer Advocate's intervention in this proceeding on behalf of the public interest because consumers may be adversely affected by the rate increases, changes and alterations requested by Counce Natural Gas Corporation ("Counce"). For cause, the Petitioner would show as follows:

1. In order to represent the interests of Tennessee consumers, the Consumer Advocate is authorized by Tenn. Code Ann. § 65-4-118(c)(2)(A) to initiate a contested case and to intervene or participate in proceedings concerning public utility matters in accordance with the Uniform Administrative Procedures Act, Tenn. Code Ann. § 4-5-101, *et seq*

2. Counce Natural Gas Corporation is a public utility company regulated by the Tennessee Regulatory Authority pursuant to Tennessee Code Annotated, Title 65, Chapters 4 & 5. Counce Natural Gas Corporation is a corporation organized under the laws of the State of Mississippi. Counce has its principal offices located at 700 Colonial Road, Suite 200, Memphis,

Tennessee 38117.

3. Counce sells and distributes natural gas to residential, commercial and industrial consumers in the State of Tennessee.

4. On February 3, 2004, Counce filed a petition seeking approval to increase the rates that it charges customers for natural gas.

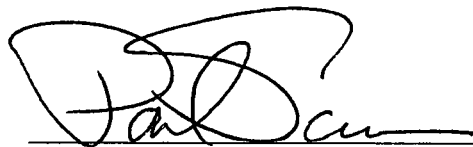
5. If the TRA approves the petition of Counce in its present form, such action would result in a rate increase of 212% for residential, commercial customers and industrial customers.

6. Based upon the Consumer Advocate's review of the testimony and documentation that Counce has filed in support of its petition, the Consumer Advocate alleges that approval of the petition in its present form is not in the public interest, and that the amount of the requested rate increase is not fair, just and reasonable under all the attendant conditions and circumstances.

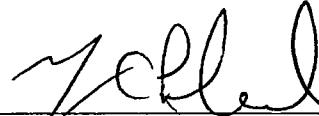
7. Only by participating and intervening in this proceeding can the Consumer Advocate work effectively to protect the interests of Tennessee consumers.

WHEREFORE, the Consumer Advocate requests that the Tennessee Regulatory Authority: (a) convene a rate case proceeding pursuant to Tenn. Code Ann. § 65-5-203 to hear and determine whether the rate increases, changes and alterations requested by Counce Natural Gas Corporation are fair, just and reasonable; (b) grant the Consumer Advocate's Petition to Intervene; and (c) grant the Consumer Advocate and the consumers of Tennessee such other relief as may be deemed appropriate.

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, appearing to read "Paul G. Summers", is written over a horizontal line.

PAUL G. SUMMERS, B.P.R. #6285
Tennessee Attorney General



TIMOTHY C. PHILLIPS, B.P.R. #12751
SHILINA B. CHATTERJEE, B.P.R. #20689
Assistant Attorney General
Office of the Attorney General
Consumer Advocate and Protection Division
P.O. Box 20207
Nashville, Tennessee 37202
(615) 741-3533


Dated: March. 24, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Petition to Intervene was served on parties below via U.S. Mail or facsimile on March 24, 2004.

Thomas McElroy
P.O. Box 1450
Tupelo, Mississippi 38801
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FAX: (662) 842-3744

Michael Horton
Counce Natural Gas Corporation
Subsidiary of Tumlinson Engineering, Inc.
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Burnsville, MS 38833
PHONE: (662) 282-4261
FAX: (662) 282-7212


SHILINA B. CHATTERJEE
Assistant Attorney General

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